

MID SUSSEX DISTRICT COUNCIL

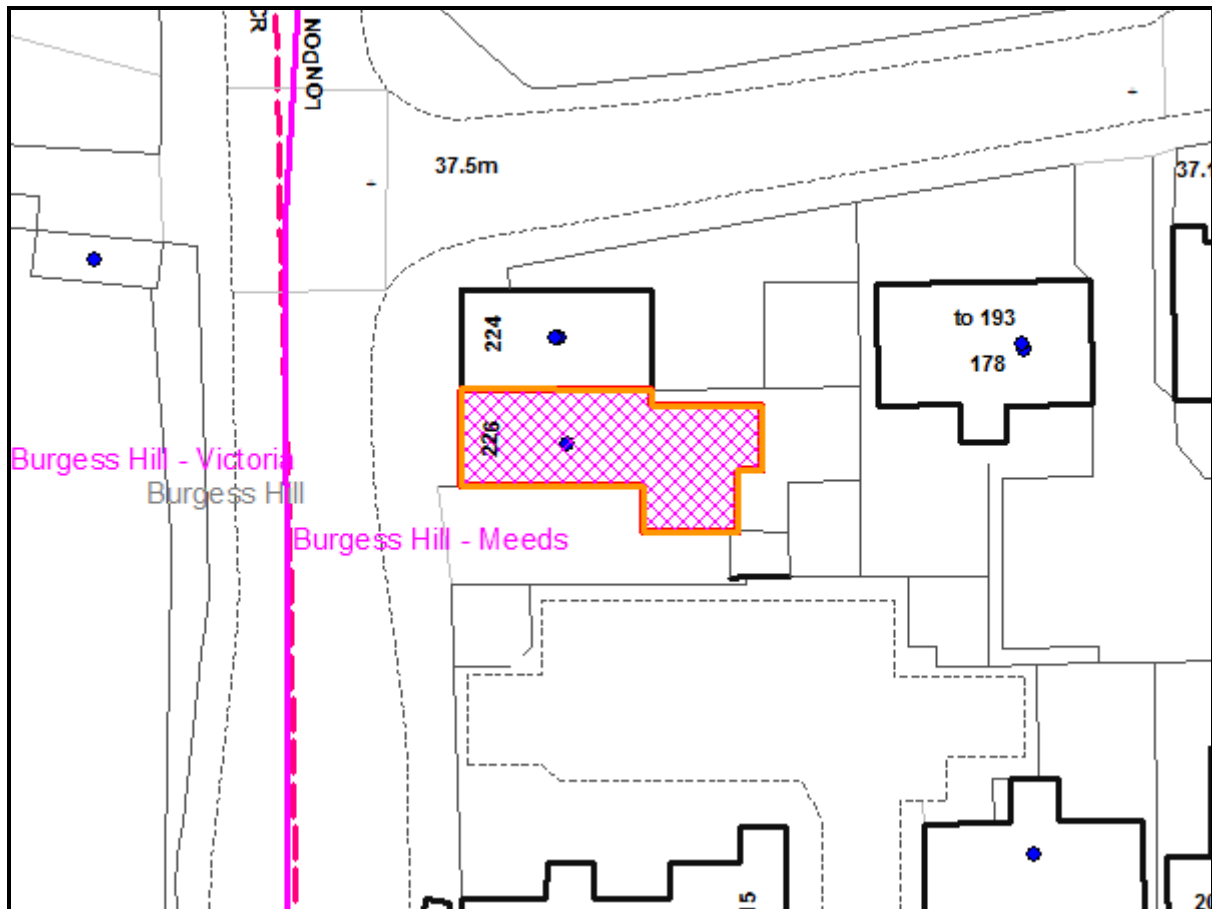
Planning Committee

4 JUL 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/1498



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**NAASTA 226 LONDON ROAD BURGESS HILL WEST SUSSEX
RETENTION OF EXTERNAL LIGHT FOR ADVERTISEMENT.
MR ATHIKUR RAHMAN**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) /

ODPM CODE: Advertisements

8 WEEK DATE: 8th July 2019

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Andrew Clarke

Purpose of Report

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for express advertisement consent as detailed above.

Executive Summary

This application seeks express advertisement consent for the retention of an illuminated fascia sign.

The application is before committee as a Member for the Burgess Hill Meeds Ward has an interest in the land.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states:

'a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors". Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; and factors relevant to public safety include the safety of persons using any highway (amongst others) and whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign (amongst others).'

The fascia sign is of a scale and design which does not cause harm to the character and appearance of the area and the use of a down lighter to illuminate the sign is not out of keeping on this edge of town centre site which lies on a well-lit main road.

No objections have been received in respect of neighbour amenity or from MSDC Environmental Protection or WSCC Local Highways Authority in respect highway safety and the close proximity of the traffic lights and pedestrian crossing.

The policies of the development plan seek to support local business and economic development and the illuminated sign is therefore deemed to comply with policy DP1, DP21, DP26 and DP29 of the Mid Sussex District Plan 2014-2031, the contents of the Burgess Hill Neighbourhood Plan and the requirements of the NPPF.

Express advertisement consent should therefore be granted.

Recommendation

It is recommended that express advertisement consent be granted subject to the conditions listed at Appendix A.

Summary of Consultations

MSDC Environmental Protection

No objections

WSCC Local Highways Authority

No objections

Full responses from Consultees are included at the end of this report as Appendix B.

Summary of Representations

No representations have been received in response to this application.

Parish Council Observations

Burgess Hill Town Council recommend approval for the application.

Introduction

This application seeks express advertisement consent to retain an externally lit fascia sign at the commercial premises.

The application is before committee as a Member for the Burgess Hill Meeds Ward has an interest in the land.

Relevant Planning History

There is no planning history relevant to the determination of the application. Whilst the business occupying the premises has recently changed it remains as a lawful mixed A3/A5 use.

Site and Surroundings

The property at 226 London Road Burgess Hill is a restaurant operating under the name Naasta under an A3/A5 restaurant / takeaway use. The building forms the southern part of a three storey semi-detached building lying on the main London Road on the southern approach to Burgess Hill town centre. The other side of the semi-detached building is also in use as an A5 takeaway.

The site lies at the junction of London Road and Station Road with traffic lights and a pedestrian crossing in front with the site having significant wider views from the main road and traffic passing through the town.

Application Details

The application seeks express advertisement consent for the retention of an illuminated fascia sign. As part of the change of business at the premises it has undergone external renovation with a new canopy and new fascia sign displaying the name of the restaurant (Naasta) and associated logo. The sign is externally down-lit by a long strip light attached to the canopy. It should be noted that the sign only requires consent by virtue of the illumination of the fascia sign and the application does not seek to consider the other alterations to the premises.

The sign and light is already in situ having been installed in March 2019.

List of Policies

Mid Sussex District Plan 2014-2031

The District Plan was formerly adopted on the 28th March 2018.

DP1 - Sustainable Economic Development

DP21 - Transport

DP26 - Character and Design

DP29 - Noise, Air and Light Pollution

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbour Plan has been made and is a material consideration with full weight attached.

National Policy

National Planning Policy Framework (NPPF - 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraph 47 states: *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as*

quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'

Paragraph 132 relates to advertisements and states: *The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.*

Assessment (Consideration of Key Issues)

'A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors". Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest; and factors relevant to public safety include the safety of persons using any highway (amongst others) and whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign (amongst others).'

The main issues considered relevant to this application are the proposed design and impact on the character of the area and impact on highway safety.

Impact on the Character of the Area

The primary consideration relates to the impact upon the character and appearance of the area in relation to the illumination of the fascia sign. In this respect policy DP26 of the District Plan is relevant with the appropriate parts stating:

All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27)*

The building is an existing commercial premises which has recently undergone a change of business. The previous restaurant (Shapla) also had a fascia sign although it was not illuminated and whilst the illumination of the premises would result in an alteration in the appearance of the area, the site and the surrounding area is made up of a mixture of commercial and residential uses and lies close to the town centre. The area is already well illuminated by virtue of the busy London Road upon which it lies and therefore additional illumination in the area would not appear out of keeping or detrimental to its character.

The sign is down-lit via a strip light and therefore any light would be emitted downwards and would create a lesser impact than an up-lit sign or one which is internally illuminated which would portray a more intensive and commercial appearance. The use of a down-lighter is therefore appropriate in this area on the edge of the town centre.

The light itself emits 1100 lumens, roughly equivalent to a 75 watt lightbulb and therefore would not be of an excessive level of illumination and is commensurate to the size and siting of the sign.

The signage and lettering itself simply states the name of the business with an appropriate logo and is not excessive in its scale or size or else does it dominate the frontage of the building.

Highway Safety

WSCC Local Highways Authority (LHA) have been consulted on the application on the basis of highway safety and the proximity of the highway and traffic lights to the premises and the illuminated sign. No objection has been raised on the issue of highway safety by the LHA and therefore the development complies with the requirements of policy DP21 in respect of protecting highway safety and highway users.

Neighbour amenity

Residential units, occupied primarily by staff, lie above the restaurant with windows to the front overlooking the sign. However, the sign is down-lit and only on during opening hours and therefore would not result in light spillage into the upstairs windows. There would therefore be no impact upon the amenities of surrounding residential neighbours and occupiers.

Conclusions

The sign and illumination is not considered to be excessive on this edge of town centre site which already benefits from other illumination by virtue of the street lighting and traffic lights associated with the main London Road. The sign is therefore not out of keeping with or causes harm to the surrounding area and complies policy DP26 of the District Plan. No objections have been raised on highway safety grounds and neighbour amenity grounds and therefore the requirements of policy DP21 and DP29 are also met.

The proposal is therefore deemed to comply with the policies of the Mid Sussex District Plan 2014-2031, the contents of the Burgess Hill Neighbourhood Plan, as well as those of the NPPF and the application is recommended for permission.

Express advertisement consent should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The advertisement consent hereby granted expires at the end of the period of five years from the date of this notice.

Reason: To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.
3. The intensity of illumination of the proposed sign shall not exceed 1100 lumens and be solely provided by a single down lighter.

Reason: To protect the character and appearance of the area and to accord with policy DP26 of the District Plan.
4. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
6. Where an advertisement is required under these regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.
7. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
8. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reasons 4-8: To comply with Regulations 13(1)(b) and Schedule 1 of the above regulations.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this

application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan			03.05.2019
Planning Statement			03.05.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Recommend Approval

MSDC Environmental Protection

Environmental Protection has no concerns regarding this application.

WSCC Local Highways Authority

The application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Planning Services should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

Upon inspection of the plans, the Local Highways Authority (LHA) does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.